

Fishkin Lucks

MEMO ENDORSED

Steven M. Lucks
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January 30, 2020

via ECF

Honorable Valerie E. Caproni, U.S.D.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
Courtroom 443
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/2020

Re: McInnis USA, Inc. v. Marly Building Supply Corp., Case No. 1:19-cv-05769-VEC

Dear Judge Caproni:

We represent plaintiff McInnis USA, Inc. in this matter. We are writing pursuant to Your Honor's Individual Practices to respectfully request that the show cause hearing on McInnis's application for default judgment, scheduled for January 31, 2020, see ECF No. 30, be adjourned one week, to February 7, 2020. McInnis requests the adjournment because it just received a check from defendant Marly Building Supply Corp. that, should it clear, would satisfy the debt upon which McInnis seeks default judgment. The additional week would give McInnis sufficient time to confirm that the check has cleared, and assuming it does, McInnis would withdraw its application, obviating the need for any hearing.

This is the only request McInnis has made to adjourn the show cause hearing. Last night, I emailed a Marly representative with whom I've been in previous contact, advising that I would be seeking this adjournment. I will also be serving this letter on Marly by Federal Express overnight delivery, i.e., in the same manner I served Marly with the papers comprising McInnis's default judgment application.

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,



Steven M. Lucks

cc: Marly Building Supply Corp. (via Federal Express overnight delivery)

Application GRANTED. The hearing is adjourned to **February 7, 2020 at 10:00 a.m.**

SO ORDERED.



HON. VALERIE CAPRONI 1/30/2020
UNITED STATES DISTRICT JUDGE